



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Hedy Chang, Mayor Pro Tempore	Hedy L. Chang, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, MAY 21, 2003

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

7:00 P.M.

A Special Meeting of the Redevelopment Agency is called at 7:00 P.M. for the Purpose of Conducting City Business and Closed Sessions.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITIONS

Outstanding Morgan Hill Volunteer
Ken Tougas

CITY COUNCIL REPORT

Mayor Kennedy

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-17

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **APRIL 2003 FINANCE AND INVESTMENT REPORT..... 1**
Recommended Action(s): Accept and File Report.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
2.	<u>EXTEND THE TERMS OF APPOINTMENT FOR THE CURRENT ARCHITECTURAL REVIEW BOARD (ARB) AND PLANNING COMMISSION MEMBERS</u> 25 Recommended Action(s): <u>Approve</u> the Extension of Term Appointments for ARB Members: James Fruit, Rod Martin, and Jerry Pyle; and Planning Commission Members: Joe Mueller, Bob Engles, Bob Escobar and Ralph Lyle until Such Time that Successors Are Appointed.	
3.	<u>APPROVAL OF UPCOMING CITY COUNCIL WORKSHOP MEETING DATES</u> 27 Recommended Action(s): <u>Review</u> and <u>Approve</u> the City Council Workshop Meeting Schedule.	
4.	<u>CITY SPONSORSHIP OF HOMETOWN HOLIDAYS INC. PROJECT</u> 29 Recommended Action(s): 1. <u>Approve</u> City Sponsorship of the Hometown Holidays Inc. Project to Conduct a Holiday Event, Including a Tree Decorating Contest for Local Schools, at the Community and Cultural Center; and 2. <u>Authorize</u> the City Manager to Issue a Letter to Hometown Holidays, Inc. Outlining the Terms of City Sponsorship.	
5.	<u>COMMUNITY AND CULTURAL CENTER RENTAL RATES</u> 35 Recommended Action(s): <u>Adopt</u> Resolution No. 5667, Revising Rental and Service Fee Rates for the Community and Cultural Center.	
6.	<u>COUNCIL RESOLUTION SUPPORTING GRANT FUNDING FOR CLASS II BIKE LANE AT LIVE OAK HIGH SCHOOL</u> 45 Recommended Action(s): <u>Adopt</u> Resolution No. 5668, Supporting the Application for Safe Routes to School Grant Funds for Construction of a Class II Bike Lane along the North Side of Main Street.	
7.	<u>APPROVAL OF LEASE OF NITRATE REMOVAL PLANT</u> 49 Recommended Action(s): 1. <u>Appropriate</u> \$38,000 from the Unappropriated Water Fund Balance to Fund a Temporary Nitrate Removal Plant at the Burnett Well Site; and 2. <u>Approve</u> Issuance of a Purchase Order to Ionics in the Amount of \$38,000 for the Lease of a Temporary Nitrate Removal Plant.	
8.	<u>AWARD OF CONTRACT FOR CONSTRUCTION OF MAIN WELL NO. 2 AND SAN PEDRO WELL EQUIPMENT PROJECT</u> 53 Recommended Action(s): 1. <u>Award</u> Contract to Conco-West Inc. for the Construction of Main Well No. 2 and San Pedro Well Equipment Project in the Amount of \$639,200.00; and 2. <u>Allocate</u> 10% Construction Contingency Funding in the Amount of \$63, 920.00 for this Project.	
9.	<u>ACCEPTANCE OF POLYBUTYLENE WATER SERVICE REPLACEMENT PROJECT, PHASE IV</u> 57 Recommended Action(s): 1. <u>Accept</u> as Complete the Polybutylene Water Service Replacement Project, Phase IV in the Final Amount of \$357,384.00; and 2. <u>Direct</u> the City Clerk to File the Notice of Completion with the County Recorder's Office.	

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
10.	<u>AWARD OF GALVAN PARK HANDBALL COURT AND LANDSCAPE BEAUTIFICATION PROJECT</u> <u>Recommended Action(s):</u> 1. <u>Award</u> Contract to Bellicitti & Pellicciotti Construction Co., Inc. for the Galvan Park Handball Court and Landscape Beautification Project in the Amount of \$70,724.00; and 2. <u>Allocate</u> 10% Construction Contingency Funding in the Amount of \$7,076.00 for This Project.	61
11.	<u>APPROVE PURCHASE ORDER FOR REPLACEMENT SKID MOUNTED 75 KW DIESEL GENERATOR AND AUTOMATIC TRANSFER SWITCH AT “C” LIFT STATION</u> <u>Recommended Action(s):</u> <u>Approve</u> the Purchase of a Skid Mounted 75kw Diesel Generator and Automatic Transfer Switch Replacement in the Amount of \$36,465.00.	63
12.	<u>ADOPT ORDINANCE NO. 1617, NEW SERIES</u> <u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1617, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR APPLICATION MP-99-04: CHRISTEPH COURT - KOSICH (APN 764-32-024)/(DA-00-01: CHRISTEPH - KOSICH).	67
13.	<u>ADOPT ORDINANCE NO. 1618, NEW SERIES</u> <u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1618, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT, DA 02-09 FOR MMP 02-02: DEWITT - MARQUEZ SUBDIVISION (APN 773-08-014).	71
14.	<u>ADOPT ORDINANCE NO. 1619, NEW SERIES</u> <u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1619, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT, DA-03-01: CHRISTEPH - KAMANGAR/PINE BROOKS TRUST (APN 764-32-025).	75
15.	<u>RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) 2003 QUARTERLY REPORT #1</u> <u>Recommended Action(s):</u> <u>Accept</u> and <u>File</u> the Residential Development Control System (RDCS) First Quarter Report for 2003.	79
16.	<u>2002 ANNUAL CONSUMER CONFIDENCE REPORT REGARDING WATER QUALITY</u> <u>Recommended Action(s):</u> <u>Information</u> only.	93
17.	<u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF APRIL 30, 2003</u>	99

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 18-19

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
18.	<u>APPROVE SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF APRIL 30, 2003</u>	101
19.	<u>APPROVE REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF MAY 7, 2003</u>	125

City Council Action

CONSENT CALENDAR: (continued)

ITEM 20

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
20.	<u>COUNCIL RESOLUTION SUPPORTING GRANT FUNDING FOR TENNANT CREEK TRAIL, PHASE I</u> <u>Recommended Action(s): Adopt</u> Resolution No. 5669, Supporting the Application for Santa Clara Valley Water District Trails, Parks and Open Space Grant Funds for the Tennant Creek Trail, Phase I.	151

City Council Action

PUBLIC HEARINGS:

	Time Estimate	Page
21.	5 Minutes <u>ANNEXATION APPLICATION, ANX-02-01: COCHRANE BORELLO I</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Adopt</u> Resolution No. 5670, for Annexation.	155
22.	15 Minutes <u>ZONING AMENDMENT APPLICATION ZA 02-15: EAST DUNNE-</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance No. 1620, New Series Action- <u>Motion to Introduce</u> Ordinance No. 1620, New Series by Title Only. (Roll Call Vote)	175

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
23.	5 Minutes	<u>FILLING UPCOMING VACANCY ON THE MOBILE HOME RENT COMMISSION</u>	251
		<u>Recommended Action(s):</u>	
		1. <u>Appoint</u> a Council Subcommittee to Interview to Fill Vacancy (ies) on the Mobile Home Rent Commission;	
		2. <u>Direct</u> Staff to Schedule Interview of Applicant(s) by Full Council; or	
		3. <u>Reappoint</u> Mark Moore to Serve a Two-Year Term, Expiring June 1, 2005.	
24.	5 Minutes	<u>CITY CO-SPONSORSHIP WITH THE MORGAN HILL SISTER CITY COMMITTEE FOR “JAZZ ON THE GREEN” CONCERT</u>	257
		<u>Recommended Action(s):</u> <u>Approve</u> a City Co-Sponsorship/Promotion with the Morgan Hill Sister City Committee of the “Jazz on the Green” Concert.	
25.	10 Minutes	<u>MORGAN HILL GENERAL PLAN: REVIEW OF EFFECT OF GROWTH RATE ON TRAFFIC IMPACTS</u>	261
		<u>Recommended Action(s):</u>	
		1. <u>Review</u> and <u>Discuss</u> the Implications of the Effect of the City’s Rate of Growth on Traffic Impacts; and	
		2. <u>Direct</u> Staff to Include with the Next Amendments of the General Plan a Policy Establishing a Level of Service Standard for Unsignalized Intersections.	

Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
26.	15 Minutes	<u>ROYAL COURT HOUSING PROJECT LOAN</u>	275
		<u>Recommended Action(s):</u>	
		1. <u>Approve</u> a Loan of Up to \$3.75 Million Dollars to South County Housing Corporation (SCH) to Develop the Royal Court Housing Project;	
		2. <u>Authorize</u> the Executive Director to do Everything Necessary and Appropriate to Execute and Implement the Loan Agreement; and	
		3. <u>Appropriate</u> \$350,000 from Fund 327	
27.	10 Minutes	<u>FACADE IMPROVEMENT PROGRAM</u>	369
		<u>Recommended Action(s):</u>	
		1. <u>Consider</u> Request for a “Triple” Facade Grant for the Granary Project on Depot Street; and	
		2. <u>Discuss</u> Policy Regarding the Ability of Businesses Receiving Specific Assistance Packages From the Redevelopment Agency to Also Participate in Other Business Assistance Programs Offered by the City/Agency.	

City Council and Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
28.	15 Minutes	<u>RENOVATION OF THE ISAACSON GRANARY</u>	373
		<u>Recommended Action(s):</u>	
		1. <u>Consider</u> Request from Weston-Miles Architects to Defer the Under-grounding of Overhead Utility Lines for the Granary Project Until the Entire Parcel is Developed; and	
		2. <u>Direct</u> Staff on How to Proceed.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure/Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 4

2.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Legal Authority: Government Code 54956.9(a)

Case Name: San Jose Christian College v. City of Morgan Hill

Case Number: Ninth Circuit Court of Appeal, No. 02-15693

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT